

## Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 SCS-03 L-03 EB-07 SCA-01 H-02

INR-07 DLOS-06 PRS-01 CG-00 DOTE-00 SS-15 TRSE-00

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SP-02 /074 W

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P 301531Z JUL 76

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC PRIORITY 7052

INFO AMEMBASSY COPENHAGEN PRIORITY

AMEMBASSY WARSAW PRIORITY

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E.O. 11652: N/A

TAGS: EFIS, UR

SUBJECT: US/USSR NEGOTIATIONS ON GOVERNING INTERNATIONAL FISHERY  
AGREEMENT (GIFA)

1. SUMMARY: USDEL AND SOVDEL FORMALLY INITIATED FISHERIES BILATERAL NEGOTIATIONS JULY 26, WITH SOVDEL PROVIDING PRELIMINARY COMMENTS ON PROPOSED DRAFT GIFA. SOVIET DEL REPEATED HIS GOVERNMENT'S REJECTION OF UNILATERAL EXTENSIONS OF JURISDICTION BEYOND TWELVE MILES, SAID IT BELIEVED AGREEMENT WAS POSSIBLE NONETHELESS, AND THEN RAISED THE FOLLOWING PROBLEMS CONCERNING DRAFT GIFA: (1) THE BASIC JURIDICAL PROBLEM IN ACCOMMODATING COASTAL STATE MANAGEMENT AUTHORITY, PARTICULARLY DURING THIS SENSITIVE PERIOD WHEN THE LOS TALKS ARE ABOUT TO RECONVENE; (2) THE FACT THAT THE U.S. COULD TAKE JURISDICTION OVER STATE-OWNED VESSELS AND COULD CONFISCATE SUCH VESSELS AND THEIR CATCHES, AND (3) THE FACT THAT THE U.S. COULD DETERMINE AND CONTROL POSITION FIXING AND IDENTIFICATION EQUIPMENT THAT COULD BE PLACED ON SOVIET FISHING VESSELS; (4) THE FACT THAT U.S. POSITION ON ANADROMOUS SPECIES IN MODEL GIFA DIFFERS FROM U.S. LOS POSITION, AND (5) THE FACT THAT U.S. LEGISLATION AND DRAFT GIFA ARE CONSTRUCTED ADMIN-  
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ISTRATIVELY TO HANDLE FISHING VESSELS NOT FLEETS. USEL AND USSR

DEL WILL MEET NEXT ON JULY 30 TO CONTINUE DISCUSSIONS. END SUMMARY.

2. SUBSTANTIVE POINT ON DRAFT GIFA RAISED BY SOV DEL WERE AS FOLLOWS: PREAMBLE. SOVIET DEL AGREED WITH OPENING PARAGRAPH, OFFERED NEW LANGUAGE FOR SECOND, REQUESTED DELETION OF REFERENCE TO ANADROMOUS SPECIES (BASED ON INCONSISTENCIES WITH LOS POSITION ON SALMON), AND REQUESTED INSERTION OF TWO ADDITIONAL PREAMBULAR PARAGRAPHS. ONE PREAMBULAR PARAGRAPH WOULD NOTE THE TRADITIONAL OR HISTORICAL SOVIET FISHERY OFF THE U.S. COAST; THE SECOND WOULD REFER TO FORMER AGREEMENTS BETWEEN THE TWO COUNTRIES.

3. 3. ARTICLE 1. SOVIET DEL REQUESTED DELETION OF PHRASE "OVER WHICH THE U.S. EXERCISES FISHERY MANAGEMENT AUTHORITY AS PROVIDED BY U.S. LAW" IN THE FINAL SENTENCE.

4. ARTICLE II. SOVIET DEL REQUESTED TO INSERT "WITHIN THE ZONE" FOLLOWING THE WORDS MIGRATORY RANGE IN THE LAST SENTENCE. THEY REQUESTED DELETION OF THE TERM "BIRDS" UNDER THE DEFINITION FISH IN ARTICLE II 2) AND REFERENCES TO POLAR BEARS IN ARTICLE II, 8), (B). UNDER PARAGRAPH 6 (B), ARTICLE II, SOVIET DEL REQUESTED INSERTION OF LANGUAGE TO EXCEPT SALVAGE, PATROL, ENFORCEMENT, AND MEDICAL/SANITARY VESSELS TO ENSURE THAT SUCH VESSELS ARE NOT CONSIDERED DIRECTLY INVOLVED IN COMMERCIAL FISHING ACTIVITY AND THEREBY WOULD NOT REQUIRE PERMITS. REMAINDER OF ARTICLE II WAS ACCEPTABLE.

5. ARTICLE III. SOVIETS REQUESTED CHANGE IN ARTICLE III 1) FROM "IS WILLING TO ALLOW ACCESS" TO "SHALL" ALLOW ACCESS FOR SOVIET FISHING VESSELS TO TAKE PORTION OF ANY SURPLUS. SOVIET DEL EXPRESSED THE VIEW THAT ALL LANGUAGE UNDER ARTICLE III, 3) BEYOND THE FIRST SENTENCE WAS SUPERFLUOUS AND SHOULD BE DELETED. REMAINDER OF ARTICLE III WAS ACCEPTABLE.

6. ARTICLE IV. SOVIET DEL REQUESTED SPECIFIC REFERENCE TO TRADITIONAL FISHING OFF U.S. COAST BY VESSELS OF THE SOVIET UNION.

7. ARTICLE V. PARAGRAPHS (A) AND (B) WERE ACCEPTABLE. SOVIET LIMITED OFFICIAL USE

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DEL REQUESTED INSERTION OF "ASSIGNED TO THE FISHING FLEET OF THE SOVIET UNION" FOLLOWING THE TERM TOTAL ALLOCATION IN PARAGRAPH (C).

8. ARTICLE VI. IN ADDITION TO REQUESTING INSERTION OF "COMPETENT AGENCIES" IN TWO REFERENCES TO GOVERNMENTS IN PARA 1), SOVIET DEL REQUESTED INSERTION OF LANGUAGE TO EFFECT THAT PERMITS COULD BE ISSUED FOR "GROUPS" OF FISHING VESSELS.

9. ARTICLE VII WAS ACCEPTABLE.

10. ARTICLE VIII. SOVIET DEL EXPRESSED SERIOUS CONCERN REGARDING PARA 2) AND EMPHASIZED THIS COULD BE ONE OF MOST CRITICAL PROBLEMS IN REACHING AGREEMENT. SOVIETS FURTHER REQUESTED CLARIFICATION OF STATUS OF U.S. OBSERVERS UNDER PARA 3) AND PROCEDURE FOR REIMBURSING U.S. FOR COST OF SUCH OBSERVERS. SOVIETS RAISED QUESTIONS CONCERNING RESPONSIBILITIES OF AGENTS WHICH ARE TO BE APPOINTED IN USG UNDER PARAGRAPH 4). USSR DEL PROPOSED NEW LANGUAGE FOR PARAGRAPH 5) WHICH CONTINUES CURRENT CLAIMS BOARD ARRANGEMENTS.

11. ARTICLE IX. THIS ARTICLE WAS DESCRIBED AS ACCEPTABLE WITH EXCEPTION OF PARAGRAPH 2) IN WHICH SOVIET DEL REQUESTED LANGUAGE TO SPECIFY THAT NOTIFICATION COULD BE GIVEN TO OTHER SOVIET GOVERNMENT OFFICIALS, INSPECTORS OR OTHERS SO DESIGNATED. HOWEVER, LANGUAGE IN FACT LEAVES ENFORCEMENT TO ICNAF-TYPE SCHEME.

12. ARTICLE X. THE SOVIET DEL RAISED SERIOUS CONCERN REGARDING THIS ARTICLE, PARTICULARLY CONCERNING THE POSSIBLE CONFISCATION OF STATE-OWNED VESSELS AND THEIR CATCH. THEY ALSO RAISED THE POINT THAT REGARDLESS OF THE USG'S RECOMMENDATIONS, COURTS MAY ASSESS SEVERE PENALTIES.

13. ARTICLE XI. SOVIET DEL INDICATED IT HAD NO PROBLEMS IN PRINCIPLE, BUT WOULD PROVIDE US DEL WITH SUGGESTED ALTERNATE LANGUAGE FOR PORTIONS OF THIS ARTICLE. THE SOVIETS NOTED THE PROBLEM OF CLARIFYING THE FORMAT AND PROCEDURES FOR COLLECTION AND REPORTING DATA.

14. ARTICLE XII WAS ACCEPTABLE.

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15. ARTICLE XIII. SOVIET DEL REQUESTED INSERTION SPECIFIC LANGUAGE CONCERNING PORT CALL PRIVILEGES IN THE U.S. ALONG SAME LINES AS CONTAINED IN CURRENT AGREEMENTS.

16. ARTICLE XIV WAS AGREED IN PRINCIPLE, HOWEVER, SOVIET DEL STATED IT WOULD SUGGEST SOME IMPROVEMENTS IN WORDING.

17. ARTICLE XV. SOVIETS REQUESTED DELETION OF "FOR ANY PURPOSE OTHER THAN THE CONSERVATIONS AND MANAGEMENT OF FISHERIES."

18. ARTICLE XVI. THE SOVIET DEL NOTED THAT WORDING OF THIS ARTICLE SHOULD REFLECT SOVIET POSITION WHICH WILL BE DESCRIBED IN THE TWO ADDITIONAL PREAMBULAR PARAGRAPHS NOTED ABOVE.

19. ANNEX I WAS NOT COMMENTED ON OR OTHERWISE REFERRED TO BY

USSR DEL.

20. DISCUSSIONS WERE HELD IN CORDIAL ATMOSPHERE, BUT CLEARLY  
WE ARE AT PRELIMINARY STAGE WITH SOVIETS ATTEMPTING TO CONSTRUCT  
AGREEMENT WHICH IN KEY AREAS, E.G. ENFORCEMENT, EITHER MASKS OR  
NEGATES THRUST OF U.S. LAW. DELEGATIONS TO COMPLETE THIS  
OPENING ROUND OF TALKS JULY 30. MATLOCK

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** FISHERIES, AGREEMENT DRAFT, FISHING AGREEMENTS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 30 JUL 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** coburnhl  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Disposition Reason:**  
**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** coburnhl  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 14 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <14 APR 2004 by ElyME>; APPROVED <30 AUG 2004 by coburnhl>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** US/USSR NEGOTIATIONS ON GOVERNING INTERNATIONAL FISHERY AGREEMENT (GIFA)  
**TAGS:** EFIS, UR, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006